GOVERNMENT OF KERALA

Public (Miscellaneous) Department

NOTIFICATION

No. 59845/M3/70/PD.

Dated, Trivandrum, 19*th October* 1970.

The following list of holidays for the year 1892-1893 Saka Era/1971 A. D. is published for information.

Holidays for 1892-1893 Saka Era/1971 A. D.

Name of Holidays	*Day of the week*	*Date*		
		A. D.	*M. E.*	*S. E.*
(1)	(2)	(3)	(4)	(5)
		CLOSED HOLIDAYS		
All Sundays				
TheSecond Saturday of each English month				
Republic Day	Tuesday	26-1-1971	13-6-1146	6-11-1892
Sivarathri	Tuesday	23-2-1971	11-7-1146	4-12-1892
Good Friday	Friday	9-4-1971	26-8-1146	19-1-1893
Vishu	Thursday	15-4-1971	2-9-1146	25-1-1893
May Day	Saturday	1-5-1971	18-9-1146	11-2-1893
First Onam	Thursday	2-9-1971	17-1-1147	11-6-1893
Thiru Onam	Friday	3-9-1971	18-1-1147	12-6-1893
Third Onam	Saturday	4-9-1971	19-1-1147	13-6-1893
Narayana Guru Samadhi Day	Tuesday	21-9-1971	5-2-1147	30-6-1893
Durgashtami and Mahanavami	Tuesday	28-9-1971	12-2-1147	6-7-1893
Mahanavami	Wednesday	29-9-1971	13-2-1147	7-7-1893
Vijaya Dasami	Thursday	30-9-1971	14-2-1147	8-7-1893
Gandhi Jayanthi	Saturday	2-10-1971	16-2-1147	10-7-1893
Deepavali	Monday	18-10-1971	1-3-1147	26-7-1893
Ramzan	Saturday	20-11-1971	4-4-1147	29-8-1893
Christmas	Saturday	25-12-1971	10-5-1147	

(1)	(2)	(3)	(4)	(5)
	RESTRICTED HOLIDAYS			
Christmas (C. S. C.)	Thursday	7-1-1971	23-5-1146	17-10.18926
Thai Pongal	Thursday	14-1-1971	1-6-1146	24-10-1892
Muharam	Monday	8-3-1971	24-7-1146	17-12-1892
Maundy Thursday	Thursday	8-4-1971	25-8-1146	18-1-1893
Maundy Thursday (CSC)	Thursday	15-4-1971	2-9-1146	25-1-1893
Good Friday (CSC)	Friday	16-4-1971	3-9-1146	26-1-1893
Ascension day	Thursday	20-5-1971	6-10-1146	30-2-1893
Ascension day (CSC)	Thursday	27-5-1971	13-10-1146	6-3-1893
Corpus Christy	Thursday	10-6-1971	27-10-1146	20-3-1893
St. Thomas Day	Saturday	3-7-1971	19-11-1146	12-4-1893
Karkadaka Vavu	Thursday	22-7-1971	6-12-1146	31-4-1893
Avani Avittam	Friday	6-8-1971	21-12-1146	15-5-1893
Vinayaka Chathurthi	Wednesday	25-8-1971	9-1-1147	3-6-1893
First day of New Year (Jews)	Monday	20-9-1971	4-2-1147	29-6-1893
Second day of New Year (Jews)	Tuesday	21-9-1971	5-2-1147	30-6-1893
Durgashtami (Pooja-vaypu)	Monday	27-9-1971	11-2-1147	5-7-1893
Day of Atonment (Jews)	Wednesday	29-9-1971	13-2-1147	7-7-1893
Tabernacles (Jews)	Monday	4-10-1971	18-2-1147	12-7-1893
Christmas Eve	Friday	24-12-1971	9-5-1147	3-10-1893

Note:—1. Where a Closed or Restricted Holiday falls on a Sunday or Second Saturday (eg. Miladi Shereef on 8th May, 1971 which is a Second Saturday) it is not separately indicated.

2. A Government Servant will be permitted to avail himself of not more than 5 of the Restricted Holidays enumerated above.

By order of the Governor,

K. P. K. MENON,
Chief Secretary.

GOVERNMENT OF KERALA

Labour and Social Welfare (A) Department

NOTIFICATION

No. 37112/A3/70/LSWD. *Dated, Trivandrum, 7th October* 1970.

The award of the Industrial Tribunal, Calicut in respect of the dispute between the Management of the Commonwealth Trust Ltd., Calicut and their workmen represented by the Mercantile Employees' Association, Calicut-1 received by Government on 5-10-1970 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
M. DANDAPANI,
Joint Secretary.

Before the Court of the Industrial Tribunal, Calicut

(Wednesday, the 30th day of September, Nineteen hundred and seventy)

Present:

SRI R. K. VENU NAYAR, B. A., B. L.,
Industrial Tribunal, Calicut.

INDUSTRIAL DISPUTE No. 60/68.

Between

THE MANAGEMENT
OF COMMONWEALTH TRUST LTD., CALICUT

and

THE MERCANTILE EMPLOYEES' ASSOCIATION,
CALICUT-1.

AWARD

This is an Industrial Dispute referred to this Tribunal for adjudication by Government of Kerala by Order No. G. O. Rt. 932/68/LSWD dated 25-11-1968. The issue referred is the following:

"Stopping of increment of Shri Steven Jerome at the efficiency bar."

2. The Union filed a statement followed by the reply statement of the Management and the Union also filed a rejoinder and the case was posted for evidence. On 23-9-1970 when the case came up for evidence the union filed a statement saying that they have settled the issue on the basis of a memorandum of settlement dated 1-9-1970. The Union wants withdrawal of this case on the basis of the settlement. Allowing this prayer the reference is dismissed. Ordered accordingly.

Calicut,
30-9-1970.

R. K. VENU NAYAR,
Industrial Tribunal.

G. 2200

Kerala Gazette No: 43 dated 27th October 1970.
PART I

GOVERNMENT OF KERALA

Labour and Social Welfare (A) Department

NOTIFICATION

No. 37111/A3/70/LSWD. *Dated, Trivandrum, 7th October* 1970.

The award of the Industrial Tribunal, Calicut in respect of the dispute between the Management of the Commonwealth Trust Ltd., Calicut and their workmen represented by the Mercantile Employees' Association, Calicut-1 received by Government on 5-10-1970 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
M. DANDAPANI,
Joint Secretary.

Before the Court of the Industrial Tribunal, Calicut

(Wednesday, the 30th day of September, Nineteen hundred and Seventy)

Present:

SHRI R. K. VENU NAYAR, B. A., B. L.

Industrial Tribunal, Calicut

INDUSTRIAL DISPUTE No: 38/69.

Between

THE MANAGEMENT

OF COMMONWEALTH TRUST LTD., CALICUT

And

THE MERCANTILE EMPLOYEES' ASSOCIATION,

CALICUT-I.

AWARD

This is an Industrial Dispute referred to this Tribunal for adjudication by Government of Kerala by Order No. G. O. Rt. 1321/69/LSWD dated 19-6-1969. The issue referred is the following:

"Stoppage of increment of Shri P. Balan, Delivery Supervisor;"

G. 2129

2. Both parties filed their statement and the union filed their documents also. Thereafter the case was posted for evidence and both parties took a number of adjournments.

3. On 23-9-1970 when the case came up for evidence the Union filed a statement saying that they have settled the issues on the basis of a settlement between the Management and the union on 1-9-1970. In view of this settlement the union wants the withdrawal of this case. Hence this reference is dismissed. Ordered accordingly.

Calicut,
30-9-1970.

R. K. VENU NAYAR,
Industrial Tribunal.

GOVERNMENT OF KERALA

Revenue (F) Department

NOTIFICATION

G.O. Rt. No. 1063/70/RD. *Dated, Trivandrum, 15th October* 1970.

In exercise of the powers conferred by section 43 of the Kerala Weights and Measures (Enforcement) Act, 1958 (45 of 1958), the Government of Kerala hereby make the following further amendment to the Kerala Weights and Measures (Enforcement) Rules, 1964, the same having been previously published as required by sub-section (4) of the said section, namely:—

AMENDMENT

In the said rules, in rule 17, for clause (i) of the proviso to sub-rule (4), the following clause shall be substituted, namely:—

"All dormant types of fillers and flow meters, delivery pumps for petroleum products, crane weighing machines, petrol or fuel vehicles, weigh bridges, dormant platform machines and all platform machines of capacity 1000 kilograms and above (whether dormant or not) and such other instruments as may be specified in this behalf by the Controller, and".

By order of the Governor,

A. K. K. NAMBIAR,
Secretary.

G. 2222.

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 13020/B-2/70/Law. *Dated, Trivandrum, 12th October 1970*

The following Act of Parliament, published in a Gazette of India Extraordinary, Part II — Section i, dated the 29th August, 1970, is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 28th August, 1970.

By order of the Governor,
P. SANKUNNI MENON,
Law Secretary.

THE DOCK WORKERS (REGULATION OF EMPLOYMENT) AMENDMENT ACT, 1970

(31 OF 1970)

AN

ACT

further to amend the Dock Workers (Regulation of Employment) Act, 1948.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Dock Workers (Regulation of Employment) Amendment Act, 1970.

2. *Amendment of Section* 3.—In section 3 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) (hereinafter referred to as the Principal Act), in sub-section (2), after clause (*g*), the following clause shall be inserted, namely :—

"(*gg*) for the welfare of the officers and other staff of the Board ;".

3. *Insertion of new section* 7A.—After section 7 of the principal Act, the following section shall be inserted, namely :—

'7A. *Offences by companies.*—(1) If the person committing an offence made punishable by a scheme or any abetment thereof is a company, every person who, at the time the offence or abetment was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence or abetment and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence or abetment was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence or abetment.

(2) Notwithstanding anything contained in sub-section (1), where an offence made punishable by a scheme or any abetment thereof has been committed by a company and it is proved that the offence or abetment has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence or abetment and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm and other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.'.

Kerala Gazette No. 43 dated 27th October 1970.
PART I **Section iii.**

கேரள அரசு

சட்டத்துறை

விளம்பரம்

எண். 593/இ 1/70/சட்டம்

திருவனந்தபுரம், 1970 பெப்ருவரி 9 / 1891 மாகா 20

கேரள சட்டசபையின் கீழ்க்காணும் சட்டம் பொதுத் தகவலுக்கென இதன் மூலம் பிரசுரம் செய்யப்படுகிறது. சட்டசபையினால் நிறைவேற்றப்பட்ட மசோதா 1970, பிப்ருவரி 7-ம் நாளன்று மாநிலத்தலைவரின் அங்கீகாரம் பெற்றது.

மாநிலத்தலைவர் ஆணைப்படி,

பி. வி. ராமச்சந்திரன்,
சட்ட இணைச் செயலர்.

1970-ன் 3-வது சட்டம்

1970-ம் வருட கேரள பப்ளிக் சர்வீஸ் கமிஷன் (கேரள மாநில ரோடு டிரான்ஸ்போர்ட் கார்ப்பரேஷன் சம்பந்தப்பட்ட அதிகப்படியான அலுவல்கள்) பற்றிய சட்டம்.

கேரள மாநில ரோடு டிரான்ஸ்போர்ட் கார்ப்பரேஷனின் சர்வீசுகள் சம்பந்தமாக, கேரள பப்ளிக் சர்வீஸ் கமிஷனின் சில அதிகப்படியான அலுவல்களை நிறைவேற்ற வகை செய்வதற்கான ஒரு சட்டம்.

பீடிகை.—கேரள மாநில ரோடு டிரான்ஸ்போர்ட் கார்ப்பரேஷனின் சர்வீசுகள் சம்பந்தமாக, கேரள பப்ளிக் சர்வீஸ் கமிஷனின் சில அதிகப்படியான அலுவல்களை நிறைவேற்ற வகை செய்வது உசிதமென்பதனால்,

இது இந்தியக் குடியரசின் இருபதாவது ஆண்டில் கீழ்வருமாறு சட்டமாக்கப் படப்படும்.—

1. சுருக்கத்தலைப்பு.—இச்சட்டம் 1970-ம் வருட கேரள பப்ளிக் சர்வீஸ் கமிஷன் (கேரள மாநில ரோடு டிரான்ஸ்போர்ட் கார்ப்பரேஷன் சம்பந்தமான அதிகப்படியான அலுவல்கள்) பற்றிய சட்டம் என அழைக்கப்படலாம்.

2. சொற்பொருள் விளக்கங்கள்.—சந்தர்ப்பம் வேறு விதத்தில் தேவைப் பட்டாலன்றி இச்சட்டத்தில்,—

(எ) "கார்ப்பரேஷன்" எனில் 1950-ம் வருட ரோடு டிரான்ஸ்போர்ட் கார்ப்பரேஷன் சட்டத்தின் (1950-ன் 64-ம் மத்தியச் சட்டம்) பிரிவு 3-ன் கீழ் நிறுவப்பட்ட கேரள மாநில ரோடு டிரான்ஸ்போர்ட் கார்ப்பரேஷன் என பொருட்படும்,

(பி) "பப்ளிக் சர்வீஸ் கமிஷன்" எனில் கேரள பப்ளிக் சர்வீஸ் கமிஷன் என்று பொருட்படும்.

3. கார்ப்பரேஷனின் கீழ் உள்ள சர்வீசுகள் சம்பந்தமாக பப்ளிக் சர்வீஸ் கமிஷனின் அலுவல்கள்.—(1) (எ) முக்கிய நிருவாக அதிகாரியோ அல்லது ஜெனரல் மானேஜர் மற்றும் முக்கிய அக்கவுண்ட்ஸ் ஆபீசரோ அல்லாத கார்ப்பரேஷனின் அதிகாரிகள் மற்றும் ஊழியர்களைத் தேர்ந்தெடுக்கும் முறை சம்பந்தப்பட்ட எல்லாக் காரியங்களும்,

(பி) முக்கிய நிருவாக அதிகாரி அல்லது ஜெனரல் மானேஜர் மற்றும் முக்கிய அக்கவுண்ட்ஸ் ஆபீசரோ அல்லாத கார்ப்பரேஷனின் அதிகாரிகள் மற்றும் ஊழியர்களை நேரடியாக நியமிக்கும்போது கையாளப்படவேண்டிய முறைகள் சம்பந்தமாகக் கார்ப்பரேஷன், பப்ளிக் சர்வீஸ் கமிஷனைக் கலந்தாலோசிக்கலாம்.

(2) துணைப்பிரிவு (1)-ன் கீழ் ஏதேனும் காரியம் சம்பந்தமாக பப்ளிக் சர்விஸ் கமிஷனுடன் கலந்தாலோசிக்கப்பட்டுள்ளபோது அக்காரியம் சம்பந்தமாக, கார்ப்பரேஷனுக்கு அறிவுரை நல்கவேண்டியது கமிஷனின் கடமையாகும்.

(3) ஏதேனும் காரியம் சம்பந்தமாக, பப்ளிக் சர்விஸ் கமிஷனுக்கும் கார்ப்பரேஷனுக்கும் இடையே கருத்து வேறுபாடு ஏற்படும் காரியத்தில், கார்ப்பரேஷன் அக்காரியத்தை அரசாங்கத்திற்குக் குறிப்பீடு செய்யவேண்டும் என்பதுடன் அதன் மீதான அரசாகத்தின் முடிவே இறுதி முடிவாக இருக்கும்.

எனினும், அரசாங்கம், பப்ளிக் சர்விஸ் கமிஷனின் அறிவுரைக்கெதிராக ஒரு தீர்மானம் எடுப்பதற்குமுன் அக்காரியத்தைக் கமிஷனுக்குக் குறிப்பீடு செய்ய வேண்டும்.

4. விதிகள் உருவாக்குவதற்கான அதிகாரம்.—(1) அரசாங்கம் பப்ளிக் சர்விஸ் கமிஷனுடனும் கார்ப்பரேஷனுடனும் கலந்தாலோசித்து, இச்சட்டத்தின் நோக்கங்களை நிறைவேற்றும் பொருட்டு விதிகள் உருவாக்கலாம்.

(2) குறிப்பாக மற்றும் மேற்கூறிய அதிகாரங்களின் பொதுத் தன்மைக்குக் குந்தகமின்றியும் இத்தகைய விதிகள்.

(எ) பப்ளிக் சர்விஸ் கமிஷனுடன் கலந்தாலோசிக்கும் பொருட்டு, கார்ப்பரேஷன் கையாளவேண்டிய முறை;

(பி) பப்ளிக் சர்விஸ் கமிஷனுடன் கலந்தாலோசிக்க தேர்ந்துள்ள அல்லது அதற்குத் தேவையான எந்தக் காரியத்திற்கும் வகை செய்யலாம்;

(3) இச்சட்டத்தின்கீழ் உருவாக்கப்பட்ட எல்லா விதிகளும், அவை உருவாக்கப்பட்ட உடன்தானே சட்டசபை கூட்டத்தொடரில் இருக்கையில் அதன் ஒரே கூட்டத்தொடரிலோ அல்லது தொடர்ந்துவரும் இரு கூட்டத்தொடர்களிலாகவோ மொத்தம் பதினான்கு நாட்கள் சட்டசபை முன்பாக வைக்கப்படவேண்டும். இவ்வாறு வைக்கப்பட்ட கூட்டத்தொடர் அல்லது தொடர்ந்து வரும் கூட்டத்தொடர் முடிவுறுமுன் சட்டசபை அவ்விதியில் ஏதேனும் மாற்றம் உண்டுபண்ணினாலோ அல்லது அவ்விதி நிறைவேற்றப்படக்கூடாதென முடிவு செய்தாலோ அதன்பின்னர் அவ்விதி, அதது காரியத்திலாவதுபோல் அவ்வாறு மாற்றம் உண்டுபண்ணப்பட்டவாறே பயனுடைத்தாகும் அல்லது பயனற்றதாகும். எனவே, எவ்வாறாயினும் இத்தகைய எந்த மாற்றமும் அல்லது தள்ளுபடியும் அவ்விதியின் கீழ் முன்னர் செய்யப்பட்ட எச்செயலின் செல்லுபடியாகும் தன்மைக்கும் குந்தகம் விளைவிக்காததாக இருக்கவேண்டும்,

5. ரத்தாதலும் தவிர்ப்பும்.—(1) 1969-ம் வருட கேரள பப்ளிக் சர்வீஸ் கமிஷன் (அதிகப்படியான அலுவல்கள்) பற்றிய அவசரச் சட்டம் (1969-ன் 8) இதன்மூலம் ரத்து செய்யப்படுகின்றது.

(2) இத்தகைய ரத்தாதல் எவ்வாறிருப்பினும், மேற்கூறிய அவசரச் சட்டத்தின்கீழ் செய்யப்பட்ட எந்தச் செயலும் அல்லது மேற்கொள்ளப்பட்ட எந்த நடவடிக்கையும் இச்சட்டம் 1969, டிசம்பர் 17-ம் நாளன்று அமலில் வந்ததாகக் கொண்டு இச்சட்டத்தின் கீழ் செய்யப்பட்டதாக அல்லது மேற்கொள்ளப்பட்டதாகக் கருதப்பட வேண்டும்.

GOVERNMENT OF KERALA

Agriculture (Agri.) Department

NOTIFICATION

No. 17016 Ag. 3/70/Agri. *Dated, Trivandrum, 19th October* 1970.

S. R. O. No. 382/70. The following draft of an amendment to the Madras Commercial Crops Market Rules, 1948, which the Government of Kerala propose to make in exercise of the powers conferred by section 18 of the Madras Grops Markets Act, 1933 (Madras Act XX of 1933), is hereby published for general information as required by clause (a) of sub-section (4) of the said section.

Notice is hereby given that the said draft will be taken up for consideration on or after 1-12-1970 and that any objection or suggestion which may be received from any person with respect to the said draft before the date specified above, will be considered by the Government.

Objections and suggestions, if any, shall be addressed to the Secretary to Government, Agriculture (Agri.) Department, Secretariat, Trivandrum.

Draft Amendment

In the said rules, in note (i) under rule 78, after item 14, the following item and the entry against it shall be added, namely:—

"15. Stenographer (with minimum qualifications similar to those prescribed for appointment in Government service).	Rs. 100-10-190-15-280"

This amendment shall come into force with immediate effect.

By order of the Governor,
R. Sadasiva Panicker,
Joint Secretary.

G. 2258

Kerala Gazette No. 43 dated 27th October 1970.
PART I **Section iv**

GOVERNMENT OF KERALA

Home (B) Department

NOTIFICATION

G. O. (Ms.) No. 213/70/Home. *Dated, Trivandrum, 19th October* 1970.

S. R. O. No. 383/70.—In exercise of the powers conferred by sub section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby makes the following amendment to the Special Rules for the Kerala Jail Subordinate Service, issued under Notification G. O. (Ms) No. 1043/Public (Rules) Department, dated the 11th December, 1959, and published in Part I of the Kerala Gazette No. 2, dated the 12th January, 1960, as subsequently amended namely:—

AMENDMENT

In part II of the said Special Rules,—

in sub rule (a) of rule 2 under "Branch I—Executive Staff" for the entries in the second column against "category and grade 4 Assistant Jailors II Grade", the following shall be substituted, namely—

"50% by promotion from Gate keepers and chief warders or in the absence of qualified candidates in the above category for such promotion, by promotion from among Reserve Head Warders, Head Warders and Warders.

25% by transfer of lower division clerks and typists working in the Jails Department.

25% by direct recruitment.

The above amendment shall be deemed to have come into force with effect from 26-10-1967."

By order of the Governor,
R. DORAI RAJ,
Joint Secretary.

G. 2257

OFFICE OF THE KERALA WAKF BOARD,
ERNAKULAM, COCHIN-11

No. H. 7/63. *28th September, 1970*

Appendix to G. O. MS. No. 111/70/R. D. dated 30-7-1970.

(Amendments to Regulations framed under Section 68 (2) (u) of the Wakf Act, 1954)

" (1) In regulation 63 of the said regulations for items (viii) and (ix) and the entries relating thereto the following items and entries shall be substituted, namely:—

" (viii) Register of Assessment, Demand, Collection and Balance —Form H

(ix) Arrear Demand Register —Form I"

(2) For Forms H, I, III and IV, the following forms shall be substituted, namely:—

FORM III

Proceedings of the Secretary, Kerala Wakf Board, Ernakulam, dated.........

PART I

ORDER OF ASSESSMENT OF CONTRIBUTION PAYABLE TO THE KERALA WAKF BOARD

Under Section 46 (1) of the Wakf Act, 1954 (Central Act 29 of 1954) For the Assessment Year............

1. Name of the Wakf
2. Name & Address of the Mutawalli

3. Year of Account................			
4. Total receipts of the Wakf during the year as per the statement of accounts	Rs.	Rs.	Rs.
5. *Deduct* Items not taken into account for the purpose of assessment : (a) (b) (c) (d) (e) (f)			
Total of col. 5			
6. Balance (col. 4—total of col. 5)			
7. *Deductions allowed towards* :— (a) Agricultural expenses in the case of paddy lands directly cultivated by Wakf (b) Agricultural expenses in respect of coconut gardens directly cultivated by Wakf (c) Agricultural expenses in respect of arecanut gardens directly cultivated by Wakf			

(d) Other agricultural expenses, if any	Rs.	Rs.	Rs.
(e) Maintenance & repair charges in the case of buildings let out			
(f) Maintenance & repair charges of utensils, furniture etc. hired out			
8. *Deductions towards Rates & Taxes:—*			
(a)			
(b)			
(c)			
(d)			
9. *Other deductions allowed, if any:—*			
(a)			
(b)			
10. Total deductions (cols. 7 + 8 + 9)			
11. Income for which contribution under Sections 46 (1) is payable (col. 6—col. 10)			
12. Contribution calculated at 6% of the amount shown against col. 11			

The contribution has been worked out with reference to the statement of accounts furnished by you. If after the audit of Wakf accounts, it is found that the statement of accounts furnished by you is false, incorrect, or defective, you will be liable to pay the contribution as worked out after audit. Action will also be taken against you if the statement of accounts furnished by you are found to be false or incorrect.

Secretary.

Taluk

Serial No.

PART III

Notice of Demand

Take notice that you have been assessed to pay a contribution of Rs...............(Rupees..............................),under Section 46 (1) of the Wakf Act, 1954 to the Kerala Wakf Board for the year/s.........on the basis of the accounts for the year/s..............as shown in the ASSESSMENT ORDER in Part I above. You are hereby directed to remit the amount to the Kerala Wakf Board within thirty days of receipt of this Notice, failing which action will be taken by the Board as permissible under the law including action under Sections 41, 43, 46 (4) & 46 (5) of the said Act.

Office of the Kerala Wakf Board,
Ernakulam.

Dated........

Secretary.

No.........RA.

FORM IV

Proceedings of the Secretary, Kerala Wakf Board, Ernakulam

Dated............

PART I

ORDER OF ASSESSMENT OF CONTRIBUTION PAYABLE TO THE KERALA WAKF BOARD.

Under Section 46 (1) of the Wakf Act, 1954
(Central Act 29 of 1954)
for the Assessment Year. ......

1. Name of the Wakf
2. Name & Address of the Mutawalli

Year of Account	Net Income	Contribution payable
(3)	(4)	(5)
	Total :.	

Rs. *Secretary.*

Taluk:—
Serial No.

PART II

Notice of Demand

Take notice that you have been assessed to pay a contribution under Section 46 (1) of the Wakf Act, 1954 for the years as detailed in Part I above, taking the amount shown in col. 4 against each year, as net income of your Wakf for that year, as defined in Section 3 (g) of the said Act, which has been calculated according to the best of my judgment.

You are hereby directed to remit the amount to the Kerala Wakf Board within thirty days of receipt of this Notice, failing which action will be taken by the Board as permissible under the law including action under Sections 41, 43, 46 (4) & 46 (5) of the Act.

Office of the Kerala Wakf Board,
Ernakulam.

Dated……………

Secretary.

FORM H

Kerala Wakf Board

REGISTER OF ASSESSMENT, DEMAND, COLLECTION & BALANCE

District :—
Taluk :—

Serial No.	Register No. of the Wakf	Name of the Wakf	Assessment & D. C. B. for the year...... on the basis of Income for..........											Assessment & D.C.B. for the year......on the basis of income for.....			
			Date of service of notice	Date of receipt of return	Gross income for the account year Rs.	Net income assessable for contribution Rs.	Amount of contribution assessed Rs.	Date of assessment order and Demand Notice	Initials of Secretary	No. & Date of receipt	Amount collected Rs.	Writes off or remissions Rs.	Balance Rs.	Date of service of notice	Date of receipt of return	Gross income for the account year Rs.	etc
1	2	3	4	5	6	7	8	9	10	11	12	13	14	4	5	6	etc
Totals of the page																	

Remarks :—

FORM I

Kerala Wakf Board

ARREAR DEMAND REGISTER

District :—
Taluk :—

				Arrear Demand Register for the Assessment year...........							Arrear Demand Register for the Assessment year......					
Serial No.	Serial No. in Register II	Registration No. of the Wakf	Name of the Wakf	Balance of the Demand upto 31-3-. Rs.	Balance for the year........ Rs.	Total Arrear Demand for the year...... Rs.	No. & Date of receipt	Amount collected in the year...... Rs.	Writes off or remissions Rs.	Balance outstanding as on 31-3-. Rs.	Balance for the Assessment year...... Rs.	Total arrear Demand for the year...... Rs.	No. & Date of receipt	Amount collected in the year...... Rs.	Writes off or remissions Rs.	Balance outstanding as on 31-3-. Rs.
1	2	3	4	5	6	7	8	9	10	11	6	7	8	9	10	11

Office of the Kerala Wakf Board,
Ernakulam, Cochin.

(Sd)
Secretary

GOVERNMENT OF KERALA
1970

Reg. No. K. 107

12165

KERALA GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. XV] Trivandrum, Tuesday, 27th October 1970 / 5th Kartika 1892 [No. 328

GOVERNMENT OF KERALA

Land Reforms (N) Department

NOTIFICATION

No. 35594/N1/70/LRD. *Dated, Trivandrum, 27th October 1970.*

S.R.O. No. 387/70.—In exercise of the powers conferred by section 129 of the Kerala Land Reforms Act, 1963 (1 of 1964) the Government of Kerala make the following rules, namely:—

THE KERALA LAND REFORMS (KUDIKIDAPPUKARS BENEFIT FUND) RULES, 1970

1. *Short title.*—These rules may be called the Kerala Land Reforms (Kudikidappukars Benefit Fund) Rules, 1970.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) "Act" means the Kerala Land Reforms Act, 1963 (1 of 1964);

(b) "Form" means a form appended to these rules

(c) "Fund" means the Kudikidappukars Benefit Fund constituted under section 109;

(d) "section" means a section of the Act.

ADMINISTRATION

(Section 109)

3. *Receipts to the Fund.*—The Fund shall, in addition to the grants or loans by or from the State Government, consist of receipts under the following heads, namely:—

(a) donations from members of the public and institutions;

(b) grants or loans that may be given by the Central Government; and

(c) interest accruing from the investment, if any of the amount standing to the credit of the Fund.

4. *Administration of Fund.*—(1) The Fund shall be administered by the Board of Revenue.

(2) The Secretary to the Land Board shall be the Treasurer of the Fund.

5. *Moneys in the Fund to be deposited in the District Treasury.*—All moneys in the Fund and all future receipts thereto shall be deposited into the Government Treasury.

6. *Board to make amounts available.*—The Board of Revenue shall from time to time, place at the disposal of each of the officers authorised under sub-section (3B) of section 75 (hereinafter referred to as the authorised officer) and each of the Land Tribunals, on request by him or it in writing in that behalf, sufficient money from out of the Fund to enable the authorised officer or the Land Tribunal to make payments in time to meet the items of expenditure specified in clause (a) or clause (b), as the case may be, of sub-section (4) of section 109.

7. *Authority competent to make payments.*—The authority competent to make payments to meet or provide for the items of expenditure specified in sub-section (4) of section 109 shall, in cases falling under clause (a), clause (b) or clause (c) of that sub-section, be the authorised officer, the Land Tribunal or the Board of Revenue, as the case may be.

PAYMENT TO PARTIES

[Section 80G (2)]

8. *Date and manner of payment.*—(1) As soon as may be after the kudikidappukaran has deposited his share of the purchase price

in lump or where the purchase price is to be paid in instalments, the first instalment of such purchase price, the Land Tribunal shall cause to give information of such deposit and the date of such deposit to the person or persons to whom the purchase price or portion thereof, as the case may be, is to be paid under the order allowing the application for purchase.

(2) On receipt of the information specified in sub-rule (1) from the Land Tribunal or otherwise or, in cases where, under the order allowing the application for purchase, the kudikidappukaran is not bound to pay his share of the purchase price, at any time after such order has become final, any person to whom the purchase price or portion thereof is to be paid in pursuance of the order allowing the application for purchase, may apply to the Land Tribunal for such amount as is due to him from out of the first instalment of the purchase price to be met from the Fund.

(3) An application under sub-rule (2) shall be in the same form as an application for payment of the purchase price deposited by the kudikidappukaran.

(4) On receipt of an application under sub-rule (2), the Land Tribunal shall, on satisfying itself that the applicant is the person entitled to receive the payment, order payment of such amount as is due to him and deliver to him on proper acknowledgment a cheque for such amount.

5(a) The second instalment to be met from the fund shall be due for payment on the expiry of one year from the date on which the purchase price in lump or the first instalment thereof as the case may be was deposited by the kudikidappukaran and in a case where the kudikidappukaran, under the order allowing the application for purchase, is not bound to pay his share of the purchase price, on the expiry of one year from the date on which the certificate of purchase was issued to him.

(b) Every subsequent instalment to be met from the fund shall be due for payment on the expiry of one year from the date on which the previous instalment was due for payment.

(6) The provisions contained in sub-rules (2), (3) and (4) shall, so far as may be, apply to the payment of the amount of the subsequent annual instalments to be met from the Fund, to the persons entitled thereto.

ACCOUNTS

9. *Maintenance of accounts.*—(1) The Treasurer of the Fund shall maintain a daily register of receipts and expenditure in Form A and a register showing the amounts paid to the authorised officers and the Land Tribunals in Form B.

(2) Each authorised officer shall maintain an account of the money received by him in Form C and an account of the cost of acquisition in Form D.

(3) Each Land Tribunal shall maintain a register of receipts in Form E and a case-war account of purchase price in Form F.

(4) The Board of Revenue may direct the authorised officers and the Land Tribunals to maintain such other accounts as it deems fit.

By order of the Governor,

N. KALEESWARAN,

Secretary to Government.

FORM A

Daily Register of Receipts and Expenditure (Kudikidappukara Benefit Fund)

[*See* rule 9(1)]

Board of Revenue, Trivandrum. Date............197 .

Receipts	*Receipts till date* Rs. P.	*Receipts on date* Rs. P.	*Total* Rs. P.
(a) Grant by State Government			
(b) Loan from State Government			
(c) Donation from members of public			
(d) Donation from institutions			
(e) Grant by Central Government			
(f) Loan from Central Government			
(g) Interest accruing from investment of funds			
(h) Amounts received on release of investments			
(i) Amounts, if any, refunded			
Total of (a) to (i)			

Expenditure	*Expenditure till date* Rs. P.	*Expenditure on date* Rs. P.	*Total* Rs. P.
(a) Allotment to authorised officers			
(b) Allotment to Land Tribunals			
(c) Expenditure for providing better facilities			
(d) Investments made			
(e) Repayment of loan to State Government			
(f) Repayment of loan to Central Government			
Total of (a) to (f)			

Closing Balance Rs. P.

Signature of Treasurer.

FORM B

Register showing the amounts paid to authorised officer/Land Tribunal (Kudikidappukara Benefit Fund)

[*See* rule 9(1)]

Designation of the authorised officer/ Land Tribunal

Date	*Amount allotted*	*No. of the cheque by which the amount was paid by the Board*	*Initials of the Treasurer*

FORM C

Account of Money Received (Kudikidappukars Benefit Fund)

[*See* rule 9(2)]

Designation of the authorised officer:

Sl. No.	*Date*	*Receipt from (allotment) Board of Revenue*		*Receipt by way of refund, if any, of amounts met from the fund*		*Expenditure (to meet 12½%)*		*Case in which refund received or expenditure incurred*		*Balance*		*Initials of the Officer*
		Rs.	P.	Rs.	Ps.	Rs.	P.	Rs.	P.	Rs.	P.	
(1)	(2)	(3)		(4)		(5)		(6)		(7)		(8)

FORM D

Account of cost of Acquisition (Kudikidappukars Benefit Fund)

[(*See* rule 9(2)]

Designation of the authorised Officer :

Case No. of the Acquisition Proceedings :

(1)	(2)	(3)	(4)			(5)		
Date	*Estimated cost of acquisition (where cost is altered due to court decree etc., cancel the previous entries and enter the revised cost against the relevant date in red ink)*	*Amount received from party applying for acquisition (Initial and subsequent payments, if any)*	*Amounts to be paid to party whose land is acquired*			*Amounts refunded, if any*		
			Amount to be met from the deposit of applicant (a)	*Amount to be met from the fund* (b)	*Total* (c)	*Amounts due to the share of the applicant* (a)	*Amounts due to the fund* (b)	*Total* (c)
			Rs. Ps.	Rs. Ps.	Rs. Ps.	Rs. Ps.	Rs. Ps.	Rs. Ps.

(6)	(7)	(8)	(9)
Amounts paid from the deposit of the applicant to the party whose land is acquired	*Amount paid from the Fund to the party whose land is acquired*	*Amount refunded, if any, to the party applying for acquisition*	*Initials of the Officer*
Rs. Ps.	Rs. Ps.	Rs. Ps.	

FORM E

Register of Receipts (Kudikidappukars Benefit Fund)

[*See* rule 9(3)]

Sl. No.	*Date*	*Receipt from (allotment) Board of Revenue*	*Expenditure to meet 12½% of purchase price*	*O. A. No. in which expenditure incurred*	Land Tribunal *Balance*	*Initials of Land Tribunal*
		Rs. Ps.	Rs. Ps.		Rs. Ps.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Date of issue of certificate of purchase........197 .

FORM F

Account of Purchase Price

(Case-war)

Amount of Purchase Price — Rs. P.

(a) Share payable by Kudikidappukar

(b) Share to be met from the Fund

(Kudikidappukars Benefit Fund)

[*See* rule 9(3)]

LAN TRIBUNAL

O. A. No............197 .

Instalment	*Last date for deposit by Kudikidappukaran (the date of expiry of six months from the date on which the order becomes final for the first instalment and the same date and month of the subsequent years for subsequent instalments to be fixed as the last date)*	*Share of purchase price payable by kudikidappukaran*	*Receipt* *Amount deposited by or realised from kudikidappukaran*				
			Date, month and year of payment by kudikidappukaran or realisation from him	*Details of receipt or chalan No. by which it was deposited in treasury*	*Amount towards instalment (excluding interest) or amount in lump*	*Interest on defaulted instalments if any*	*Total*
		Rs. P.			Rs. P.	Rs. P.	Rs. P.
(1)	(2)	(3)			(4)		

31/2271

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th
11th
12th
Total

Instalment	*Share to be met from the fund*	*Date on which the share from the fund is due for payment [See rule 8(5)]*	*Expenditure*					*Name and address of the payee*	*Initials of Land Tribunal*
			Date, month and Year	*No. of cheque by which paid*	*Amount from share of deposit by kudikidappukaran*	*Amount from fund*	*No. of instalment to which payment relates*		
	Rs. P.				Rs. P.	Rs. P.			
(1)	(5)	(6)	(7)					(8)	(9)
1st									
2nd									
3rd									
4th									
5th									
6th									
7th									
8th									
9th									
10th									
11th									
12th									
Total									

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Fourth Kerala Legislative Assembly
Bill No. 9

THE AGRICULTURAL INCOME-TAX (AMENDMENT) BILL, 1970

A

BILL

further to amend the Agricultural Income-tax Act, 1950.

Preamble.—WHEREAS it is expedient further to amend the Agricultural Income-tax Act, 1950, for the purposes hereinafter appearing;

BE it enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Agricultural Income-tax (Amendment) Act, 1970.

(2) Section 2, 4, 5 and 6 shall be deemed to have come into force on the 1st day of April, 1970, section 3 shall be deemed to have come into force on the 1st day of April, 1958 and the remaining provisions of this Act shall come into force at once.

2. *Amendment of section 2.*—In section 2 of the Agricultural Income-tax Act, 1950 (XXII of 1950) (hereinafter referred to as the principal Act).—

(i) for clause (h), the following clauses shall be substituted, namely:—

"(h) "company" means a domestic company or a foreign company;

(hh) "domestic company" means a company formed and registered under the Companies Act, 1956 (Central Act 1 of 1956) and includes a company formed and registered under any law relating to companies formerly in force in any part of India:

Provided that the registered office of the company is in India;";

(ii) clause (kk) shall be re-lettered as clause (kkk) and, before clause (kkk) as so re-lettered, the following clause shall be inserted, namely:—

"(kk) "foreign company" means a foreign company within the meaning of section 591 of the Companies Act, 1956 (Central Act I of 1956) and includes any foreign association whether incorporated or not which the Government may, by general or special

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order, declare to be a foreign company for the purposes of this Act;".

3. *Amendment of section 35.*—In section 35 of the principal Act, in sub-section (2), for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that nothing contained in this section limiting the time within which any action may be taken or any order, assessment or re-assessment may be made shall apply to—

(a) a re-assessment made under section 19; or

(b) an assessment or re-assessment made in consequence of, or to give effect to—

(i) any finding or direction contained in an order under section 31 or section 32 or section 34 or section 60; or

(ii) an order or decision of any court.".

4. *Amendment of section 56.*—In section 56 of the principal Act,—

(i) in the opening paragraph, the word "company," shall be omitted;

(ii) in the second proviso, the words "not being a company" shall be omitted;

(iii) the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the removal of doubts it is hereby declared that no super-tax shall be chargeable in respect of the total agricultural income of a company.".

5. *Amendment of section 57.*—In section 57 of the principal Act, the word "company," shall be omitted.

6. *Amendment of Schedule.*—In the Schedule to the principal Act,—

(i) in Part I,—

(a) below the brackets and words "*(Rates of Agricultural Income-tax)*", the following shall be inserted, namely:—

"(1) In the case of a person other than a company,—";

(b) for the second proviso, the following shall be substituted, namely:—

"Provided further that the agricultural income-tax payable shall in no case exceed one-half of the amount by which the total agricultural income exceeds three thousand and six hundred rupees or six thousand rupees, as the case may be.

(2) In the case of a domestic company,—

A. Where the total agricultural income does not exceed Rs. 25,000	45 per cent of the total agricultural income.
B. Where the total agricultural income exceeds Rs. 25,000 but does not exceed Rs. 1 lakh	50 per cent of the total agricultural income:

Provided that the agricultural income-tax payable shall not exceed the aggregate of—

(a) the agricultural income-tax which would have been payable by the company if its total agricultural income had been Rs. 25,000; and

(b) 80 per cent of the amount by which the total agricultural income exceeds Rs. 25,000.

C. Where the total agricultural income exceeds Rs. 1 lakh but does not exceed Rs. 3 lakhs	55 per cent of the total agricultural income:

Provided that the agricultural income-tax payable shall not exceed the aggregate of—

(a) the agricultural income-tax which would have been payable by the company if its total agricultural income had been Rs. 1 lakh; and

(b) 80 per cent of the amount by which the total agricultural income exceeds Rs. 1 lakh.

D. Where the total agricultural income exceed Rs. 3 lakhs but does not exceed Rs. 10 lakhs	60 per cent of the total agricultural income:

Provided that the agricultural income-tax payable shall not exceed the aggregate of—

(a) the agricultural income-tax which would have been payable by the company if its total agricultural income had been Rs. 3 lakhs; and

(b) 80 per cent of the amount by which the total agricultural income exceeds Rs. 3 lakhs.

E. Where the total agricultural income exceeds Rs. 10 lakhs	65 per cent of the total agricultural income:

Provided that the agricultural income-tax payable shall not exceed the aggregate of—

(a) the agricultural income-tax which would have been payable by the company if its total agricultural income had been Rs. 10 lakhs; and

(b) 80 per cent of the amount by which the total agricultural income exceeds Rs. 10 lakhs.

(3) In the case of a foreign company, 75 per cent of the total agricultural income.";

(ii) in Part II.—

(a) in paragraph A, the words", not being a case to which paragraph B applies" shall be omitted;

(b) paragraph B shall be omitted.

7. *Validation.*—(1) Notwithstanding any judgment, decree or order of any court, tribunal or other authority to the contrary, any assessment or re-assessment of agricultural income made or purporting to have been made under section 35 of the principal Act before the 27th day of April, 1970, shall be deemed to be as valid and effective as if such assessment or re-assessment had been made under the said section as amended by this Act, and accordingly—

(a) all acts, proceedings or things done or taken by any officer or authority in connection with such assessment or re-assessment shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law;

(b) all taxes on agricultural income charged or collected or purporting to have been charged or collected in consequence of such assessment or re-assessment shall, for all purposes, be deemed to be, and to have always been, charged or collected in accordance with law;

(c) no suit or other proceeding shall be maintained or continued in any court, tribunal or other authority for the refund of any such tax so collected;

(d) no court shall enforce any decree or order directing the refund of any such tax so collected;

(e) any such tax charged in consequence of such assessment or re-assessment before the 27th day of April, 1970, but not collected before that date, may be recovered in the manner provided under the principal Act as amended by this Act and the rules made thereunder; and

(f) where no such tax was charged before the 27th day of April, 1970, in consequence of such assessment or re-assessment, such tax may be charged and collected under the principal Act as amended by this Act and the rules made thereunder:

Provided that nothing contained in this section shall render any person liable to be convicted of an offence in respect of anything done or omitted to be done by him before the 27th day of April, 1970, if such act or omission would not be an offence under the principal Act but for the provisions of this Act.

THE KERALA CULTIVATORS AND TENANTS (TEMPORARY PROTECTION) BILL, 1970

A

BILL

to provide for the stay of suits and other proceedings for determination of rights in respect of lands occupied by certain classes of persons, for the temporary protection of tenants against proceedings for the recovery of arrears of rent and for matters incidental thereto

Preamble.—Whereas it is expedient to provide for the stay of suits and other proceedings for determination of rights in respect of lands occupied by certain classes of persons, for the temporary protection of tenants against proceedings for the recovery of arrears of rent and for matters incidental thereto.

BE it enacted in the Twenty-first Year of the Republic of India as follows:—

1. *Short title, extent, commencement and duration.*—(1) This Act may be called the Kerala Cultivators and Tenants (Temporary Protection) Act, 1970.

(2) Save as otherwise expressly provided in this Act, it extends to the whole of the State of Kerala.

(3) It shall come into force at once and shall cease to have effect on the 16th day of October, 1971.

(4) Upon the expiry of this Act, the provisions of section 4 of the Interpretation and General Clauses Act, 1125 (VII of 1125), shall apply as if this Act had then been repealed by an Act of the Kerala State Legislature.

2. *Interpretation.*—Words and expressions used in this Act shall have the meanings respectively assigned to them in the Kerala Land Reforms Act, 1964 (1 of 1964).

3. *Stay of suits and other proceedings for determination of rights in respect of lands occupied by certain classes of persons.*—(1) Notwithstanding anything to the contrary contained in any other law, or in any judgment, decree or order of any court, where in any suit or proceedings in respect of any application or appeal or revision or review or proceedings in execution of any decree or orders (including proceedings incidental or ancillary thereto) or other proceedings, in respect of any land, pending before any court or land Tribunal or appellate authority or other authority or officer at the commencement of this Act, or instituted or filed or initiated

after such commencement, any party thereto has filed or files a statement in writing that he was in occupation of such land at the commencement of the Kerala Land Reforms (Amendment) Act 1969, and—

(a) that such land is situate in Malabar and that he or his predecessor-in-interest was continuously in occupation of such land honestly believing himself to be a tenant for not less than two years within a period of twelve years immediately preceding the 11th day of April, 1967; or

(b) that such occupation was on the basis of a registered deed purporting to be a lease deed and that he or his predecessor-in-interest was in occupation of such land on the 11th day of April, 1957, on the basis of that deed,

the court or Land Tribunal or appellate authority or other authority or officer, as the case may be, shall not proceed with that suit, appeal, revision, review or other proceedings, as the case may be.

(2) Nothing contained in sub-section (1) shall apply in any case where the party who has filed or files the statement referred to in that sub-section is admitted to be a tenant of the land to which that statement relates.

4. *Stay of suits, applications, etc., for arrears of rent.*—(1) Notwithstanding anything to the contrary contained in any other law, or in any contract, or in any judgment, decree or order of any court or Land Tribunal, with effect on and from the commencement of this Act,—

(a) no suit or application or other proceedings for the recovery of arrears of rent in respect of a holding or part of a holding accrued due before the 1st day of May, 1968;

or

(b) no application for, or proceedings in, execution of a decree or order for the recovery of such arrears of rent or other application or proceedings incidental or ancillary thereto,

shall lie in any court or Land Tribunal; and all suits, applications and other proceedings for recovery of such arrears of rent and all proceedings in execution of decrees or orders for recovery of such arrears of rent and other proceedings incidental or ancillary thereto, pending in courts or Land Tribunals at the commencement of this Act, shall stand stayed.

(2) All appeals against decrees or orders relating to arrears of rent in respect of a holding or part of a holding accrued due before the 1st day of May, 1968, and all revisions against decrees or orders relating to such arrears of rent, pending in any court or appellate authority at the commencement of this Act, shall stand stayed, and no court or appellate authority shall proceed with any such appeal or revision filed after such commencement.

5 *Stay of certain applications:*— (1) Notwithstanding anything con-
tained in section 13C of the Kerala Land Reforms Act, 1963 (1 of 1964),
all proceedings pending in any court at the commencement of this Act, in
respect of any application filed or purported to have been filed under that
section, shall stand stayed.

(2) Notwithstanding anything to the contrary contained in any
judgment or order of any court, all proceedings pending in any court or
Land Tribunal at the commencement of this Act, in respect of any applica-
tion filed or purported to have been filed under sub-section (2) of section
45A of the Kerala Land Reforms Act, 1963 (1 of 1964), shall stand stayed.

6. *Limitation.*—In computing the period of limitation for the institution
of suits, applications or other proceedings prohibited under this Act, the
time during which such suits, applications or other proceedings were prohi-
bited under this Act and under the Kerala Stay of Recovery of Arrears
of Rent Ordinance, 1970 (18 of 1970), shall be excluded.

7. *Exemption.*—Nothing in this Act shall apply in respect of any lease
or tenancy exempted from the provisions of the Kerala Land Reforms
Act, 1963 (1 of 1964), by section 3 thereof.

8. *Repeal and saving.*—(1) The Kerala Stay of Recovery of Arrear
of Rent Ordinance, 1970 (18 of 1970), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken
under the said Ordinance shall be deemed to have been done or taken under
this Act, as if this Act had commenced on the 17th day of October, 1970.

STATEMENT OF OBJECTS AND REASONS

In V. N. Narayanan Nair and others Vs. the State of Kerala, reported
in 1970 Kerala Law Journal, 638, a Full Bench of the Kerala High Court
held that section 29A, section 32 in so far as (and only in so far as) it bars a
civil court from prohibiting a person who has made an application for
determination of fair rent from entering on the land to which the applica-
tion relates so long as the application is pending, section 45A, sub-section (2)
of section 50A, section 73, the Explanation to sub-section (1) of section 85
and sub-section (7) of section 125 of the Kerala Land Reforms Act, 1963, as
amended by the Kerala Land Reforms (Amendment) Act, 1969, are void.
As a result of the invalidation of section 73, section 13C of the Act has
become unworkable. Steps are being taken to file an appeal against the
above judgment in the Supreme Court.

2. It is considered that the invalidation of section 29A, section 32,
sub-section (2) of section 50A, the explanation to sub-section (1) of section
85 and sub-section (7) of section 125 may not vitally affect the interests of
the tenants and kudikidappukars or at present create any serious difficulty
in the implementation of the Act. But the position with regard to
sections 13C, 45A and 73 is different.

3. Section 73 provides for relief to tenants in respect of the arrears of rent accrued due before the 1st May 1968. Section 45A confers rights on the tenants to insist on the appropriation of the rent paid by them after the 19th May, 1967, for the period commencing on the 1st May, 1966. Section 13C provides for cancellation, on deposit of the amount of rent liable to be paid under section 73, of certain court sales in execution of rent decrees. Now that sections 45A and 73 are invalidated and section 13C has become unworkable, the courts and Land Tribunals will proceed to determine the rights and liabilities of landlords and tenants in respect of arrear of rent accrued due before the 1st May, 1968, as if section 73 is not in force. In that case, the tenants will be liable to pay the full rent to their landlords for the period allowed under the Limitation Act. Further, pending application under section 13C for cancellation of court sales and under sub section (2) of section 45A for re-appropriation of rent, will be dismissed. Such a situation will cause great hardship to the tenants. If they are made liable to pay the full arrears of rent, it may not be possible to effectuate the agrarian reform envisaged in the Act. It was therefore proposed to give temporary protection to the tenants pending decision of the Supreme Court.

4. As the Legislative Assembly was not in session, the Kerala Stay of Recovery of Arrears of Rent Ordinance, 1970 (18 of 1970) was promulgated by the Governor on the 17th October, 1970, for the above purpose. It is necessary to replace the Ordinance by an Act of the Legislature.

5. A Full Bench of the Kerala High Court by its majority judgment rendered in A. S. 116 of 1964 on the 21st October, 1970, invalidated section 7 and sub-section (1) of section 7B of the Kerala Land Reforms, Act, 1963 as amended by the Kerala Land Reforms (Amendment) Act, 1969, which sought to deem certain categories of cultivators as tenants. Steps are being taken to file an appeal against that judgment also in the Supreme Court. Pending decision of the Supreme Court, it is proposed to give temporary protection to such cultivators by staying all suits and other proceedings for the determination of the rights in respect of the lands occupied by them.

6. The Bill is intended to achieve the above objects.

FINANCIAL MEMORANDUM

The Bill if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

BABY JOHN